

## **REMARKS**

### ***Interview Summary***

Applicants' representative would like to thank the Examiner for the courtesy of extending a telephonic interview on October 3, 2007. During the interview, a proposed amendment to claim 51, similar to that presented in this Response, was discussed in view of the prior art of record. Applicants' representative presented arguments, similar to those discussed below, showing that the amended claims are patentable. The Examiner indicated that the amendment raises new questions and requires further search or consideration. Thus, no agreement has been reached regarding the patentability of the claims.

### ***Claims***

Claims 51-91 were pending when last examined. In the present response, claims 52, 55, 60, 63, 64, 72, 78, 82, and 85-91 have been canceled and claims 51, 53, 54, 56, 57, 59, 61, 62, 65, 66, 70, 71, 73-77, 79, 81, 83, and 84 have been amended. No new matter has been added. Support for the amendment can be found at least in page 1, FIGS. 2 and 3, and in the corresponding description of the specification.

### ***Claim Rejections – 35 USC § 101***

Claims 51, 71, and 81 were rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Applicants respectfully traverse the rejections.

The claims have been amended to clarify the subject matter which the applicants regard as their invention. Applicants submit that the claims, as amended, are not directed to an abstract idea. Accordingly, applicants respectfully request the Examiner to withdraw the rejections.

### ***Claim Rejections – 35 USC § 103***

Claims 51-91 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,758,257 to Herz et al. ("Herz"), in view of U.S. Pat. No. 6,470,344 to Kothuri et

al. (“Kothuri”). Applicants respectfully traverse the rejections.

Claim 51, as amended, recites a method that includes storing, in a multiple hierarchical data structure, personal information to identify a user and a user preference description to describe the user’s preferences for filtering and searching for multimedia content. The hierarchical data structure includes a first parent preference element and a second parent preference element. The first parent preference element has one or more first child preference elements and includes a first content description element and a first preference value that characterizes the user’s preference for multimedia content corresponding to the first content description element, wherein the first parent preference element includes a first preference condition that specifies a first place to which the first parent and first child preference elements apply, and wherein the second parent preference element includes a second content description element, a second preference value, and a second preference condition that specifies a second place to which the second parent preference element applies. In accordance with the first preference condition, the first content description element and the first preference value in the first parent preference element are used for a search and recommendation of selected multimedia content preferred by the user at the first place from multimedia content available in a television broadcast environment from an information provider. At the first place, at least a portion of the selected multimedia content is received based on a result of the search and recommendation in accordance with the first preference condition.

Herz, as the Examiner has admitted, fails to disclose a first preference condition that specifies a first place to which the first parent and first child preference elements apply. The Examiner pointed to Kothuri for the missing subject matter. Kothuri, however, is also lacking.

Kothuri discloses querying a data base in which sales data are organized according to different attributes that include geographical locations. Kothuri’s sales data is the data which is searched. In Herz, the data which is searched includes video programs and movies. Thus, the combination of Herz and Kothuri would provide video programs and movies that have searchable geographical attributes. Instead of geographical attributes of video programs and

movies, the claim requires that, in a user preference description, the first parent preference element includes a first preference condition that specifies a first place to which the first parent and first child preference elements apply. While Kothuri's sales data is data which is searched, the claim does not require searching the first parent and first child preference elements. Instead, the claim requires *using* the first content description element and the first preference value in *the first parent preference element for a search and recommendation* of selected multimedia content preferred by the user at the first place from multimedia content available in a television broadcast environment from an information provider. Thus Kothuri, alone or in combination with Herz, also lacks the claimed first preference condition.

In addition to the first preference condition that specifies a first place, the claim also requires that the second parent preference element includes a second content description element, a second preference value, and a second preference condition that specifies a second place to which the second parent preference element applies. In contrast, Herz defines all the different "moods" of the customer at a single customer location, and Kothuri discloses different geographical attributes only for data which is searched. Thus, the combination of Herz and Kothuri also lacks the second preference condition that specifies a second place to which the second parent preference element applies.

Because both Herz and Kothuri lack the claimed first and second preference conditions, claim 51 is allowable. Claims 53, 54, 56-59, and 61 depend from claim 51 and are allowable for at least the same reasons.

Independent claims 62, 71, 77, 81 and 84, as amended, require, in part, limitations similar to those discussed above with reference to claim 51. Because neither Herz nor Kothuri discloses those limitations, claims 62, 71, 77, 81 and 84 are allowable. Dependent claims 65-70, 73-76, 79, 80, and 83 are allowable for at least the same reasons as their respective base claims.

**CONCLUSION**

Applicants respectfully request that the pending claims be allowed and the case passed to issue. Should the Examiner wish to discuss the Application, it is requested that the Examiner contact the undersigned at (415) 772-7493.

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10/10/07

Date

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Respectfully submitted,



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